

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ALLAN ROBERT SIMMONS,
Petition
v.
STATE OF WASHINGTON,
Respondent

CASE NO. C19-5284 BHS-TLF

ORDER DECLINING TO ADOPT REPORT AND RECOMMENDATION

STATE OF WASHINGTON,

Respondent.

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable Theresa L. Fricke, United States Magistrate Judge, Dkt. 4, and the remaining record. The R&R recommends that the Court deny petitioner Simmons’s motion for leave to proceed *in forma pauperis*, Dkt. 3. Since the R&R was filed, Simmons has paid the \$5.00 filing fee. Therefore, the Court **DENIES** the motion as moot and **DECLINES** to adopt the R&R.

IT IS SO ORDERED.

Dated this 31st day of May, 2019.


BENJAMIN H. SETTLE
United States District Judge